IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4396 of 1991

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJ STATE ROAD TRANSPORT CORPN

Versus

CONCILIATION OFFICER,ASSTT LABOUR COMMISSIONER

Appearance:

1. Special Civil Application No. 4396 of 1991

MR HARDIK C RAWAL for Petitioner No. 1

MR VB SHETH, AGP for Respondent No. 1

MR MUKESH H RATHOD for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 11/12/2003

ORAL JUDGEMENT

By filing this petition, the petitioner-Corporation has challenged the order passed by the Conciliation Officer by which the Conciliation Officer has not granted permission for taking action of removal against the respondent-workman. The respondent was serving as a "conductor" at the relevant time and he was subjected to departmental proceedings on the ground of non-issuance of tickets to the passengers.

2) The defence of the workman was that he was issuing tickets and during that process, checking party came. It was also his case that he was not given any subsistence allowance though he was placed under suspension, awaiting the decision of the Conciliation Officer under Section 33(1) of the Act. The Conciliation Officer found that after considerable time, permission was sought for, for dismissing the workman and also for fixing the subsistence allowance. The Conciliation Officer came to the conclusion that the management was required to give subsistence allowance to the concerned workman as per the standing orders and even such allowance, which was later on paid to the workman, was less than what was required to be paid. Considering the reasoning of the Conciliation Officer, no interference of this Court is called for in a petition under Article 227 of the Constitution of India.

3) At the time of admitting this matter in the year 1997, this Court has refused to grant interim relief, by virtue of which the respondent-workman must have been taken back in service by the Corporation. Mr.Rathod submitted that the workman is already taken back in service as back as in the year 1992. In view of what is stated above, no interference of this Court is called for. Hence this petition is rejected. Rule is discharged with no order as to costs.

(P.B.Majmudar,J.)
/malek